

REMARKS

This is in response to the Office Action dated January 26, 2005, and the references cited therewith. Claim 10 is amended herein. Claims 1-20 are now pending in this application.

Objections to the Specification and §112 Rejection of the Claims

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. Claims 1-20 were rejected under 35 USC § 112, first paragraph, because the specification, while being enabling for determining minute ventilation values are increasing, does not reasonably provide enablement for determining that the average minute ventilation values are increasing. The specification does not enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention. Claims 10-20 were rejected under 35 USC § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which Applicant regards as the invention.

The specification has been amended herein to include the limitations recited by claims 1 and 10 which were alleged in the office action to lack enablement. The language added to the specification is identical to that recited by claim 1 as originally filed so that no new matter has been entered. Claim 10 has been amended to correct the antecedent basis problem. Applicant believes the rejections and objections have been overcome.

Allowable Subject Matter

Claims 1-20 were indicated to be allowable if rewritten to overcome the rejection(s) under 35 USC § 112, first and second paragraphs as set forth in the Office Action. In view of the amendments to the specification and claims as set forth above, applicant believes that claims 1-20 are allowable over the prior art of record.

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Title: THERAPY OPTIMIZATION IN HEART FAILURE PATIENTS BASED ON MINUTE VENTILATION PATTERNS

Conclusion

Applicant respectfully submits that the claims are in condition for allowance, and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney at (847) 432-7302 to facilitate prosecution of this application.

If necessary, please charge any additional fees or credit overpayment to Deposit Account No. 19-0743.

Respectfully submitted,

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Date 4-26-05

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CERTIFICATE UNDER 37 CFR 1.8: The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: MS Amendment, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 26 day of April, 2005.

Paula Suchy
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Signature